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United States of America

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES PATRICK BREEDLOVE III,

Defendant.

Case No: 1:22-CR-00239-JLT-SKO

STIPULATION TO VACATE STATUS
CONFERENCE; SET TRIAL CONFIRMATION
HEARING; AND SET TRIAL DATE; ORDER

DATE: November 1, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United States Attorney, Brittany M. Gunter, on behalf of the government, and John Garland, on behalf of defendant James Patrick Breedlove III (“the defendant”), that this action’s: (1) November 1, 2023, status conference be vacated; (2) trial confirmation hearing be set for Monday, March 25, 2024; and (3) trial date be set for Tuesday, April 23, 2024.

The parties base this stipulation on good cause and therefore ask the court to endorse this stipulation by way of formal order. Specifically,

1. The grand jury returned an indictment regarding this matter on September 1, 2022. Dkt. 1.
The government prepared and delivered an initial set of discovery to defense counsel within the time limits set forth by Eastern District of California Local Rule 440.
2. The government delivered supplemental discovery to defense counsel on November 23,

2022, and August 10, 2023. The defense is and has been reviewing discovery thus far provided.

3. The government will continue to follow up with law enforcement to determine the extent additional supplemental discovery exists. If the government identifies additional information that should be produced as supplemental discovery, the government will promptly produce it to defense counsel in accordance with Rule 16.
4. On October 18, 2023, the court issued a minute order “direct[ing the parties] to meet and confer and select a mutually convenient date for trial.” Dkt. 25. Within this same order, the court further advised that “the parties may stipulate to the trial date, with an appropriate exclusion of time.” *Id.*
5. The parties have since met and conferred about both a trial confirmation hearing and trial date and cleared these dates with the Court. In light of these efforts, the parties ask the court to endorse their stipulation to **set the trial confirmation to take place on Monday, March 25, 2024, and further set trial to commence on Tuesday, April 23, 2024.** The parties estimate that trial should be completed within 2 weeks.
6. The parties continue to be engaged in plea negotiations, and are hopeful that an agreement might be reached that will eliminate the need for trial. If this matter is not resolved prior to trial, however, defense counsel will need additional time to investigate the case including potential defenses, hire and interact with experts, review electronic evidence in accord with 18 U.S.C. § 3509 of the Adam Walsh Act, contact potential witnesses, complete its review of discovery and supplemental discovery, and communicate with the defendant. Counsel for the government will ensure that any additional information that it locates and should be produced pursuant to Rule 16 is indeed identified and produced.
7. Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
8. The parties therefore stipulate that the period of time from November 1, 2023, through April

23, 2024, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO STIPULATED.

Dated: October 25, 2023

PHILLIP A. TALBERT
United States Attorney

By: /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
Assistant United States Attorney

Dated: October 25, 2023

By: /s/ JOHN GARLAND
JOHN GARLAND
Attorney for Defendant

ORDER

IT IS ORDERED.

- (1) the status conference currently set for Wednesday, November 1, 2023, is vacated;
- (2) a trial confirmation hearing is set to be heard on Monday, March 25, 2024; and
- (3) trial is set to commence on Tuesday, April 23, 2024.

IT IS FURTHER ORDERED THAT the period of time from November 1, 2023, through April 23, 2024, is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

Dated: 10/26/2023

Sheila K. Oberto
Honorable Sheila K. Oberto
United States Magistrate Judge